

## **Remarks/Arguments**

Claims 1-14 were examined by the Examiner. In the September 20, 2007 Office Action, claims 7, 8, 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Boss et al, U.S. Patent No. 6,157,618 (hereinafter "*Boss*"). Claims 1-6, 9-11 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious over *Boss* in view of Dawson, U.S. Publication No. US/2002/0042765 A1, (hereinafter "*Dawson*").

By this amendment, claim 1 has been amended. Following entry of this amendment, claims 1-14 will be pending in the present application. For the reasons set forth below, the applicant respectfully requests reconsideration and immediate allowance of this application.

## **Claim Rejections**

### **Independent Claim 1**

Claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious over *Boss* in view of *Dawson*. The applicant has amended independent claim 1 to further clarify aspects of the recited invention. The applicant respectfully submits that neither *Boss* nor *Dawson*, either separately or in combination, teaches, describes, or suggests every recitation of independent claim 1. Specifically, neither *Boss* nor *Dawson* describes or suggests "setting a real time clock on the management device to Greenwich Mean Time," as recited in independent claim 1. The Office Action cites *Boss*, Col. 10, Lines 55-60 and Col. 12, lines 11-51 as disclosing this recitation. The cited portions of *Boss* describe a central server (the "UserMon" server) and a series of data-gathering client computers. The UserMon server transmits Greenwich Mean Time (GMT) to a client computer, which operates using local time. The client computer determines an offset for translating local time to GMT time by comparing the local time to the received GMT. After collecting performance parameter values for a target website, the client computer forwards those values back to the UserMon server along with the corresponding GMT, calculated using the offset, and instructions to the UserMon server to store the values and GMT in a log.

The Office Action equates the UserMon server described by *Boss* to the recited management device of claim 1. However, the applicant submits that *Boss* does not describe setting a real time clock on a server computer management device as recited by claim 1. The applicant has amended independent claim 1 to more clearly recite aspects of the management

device. Accordingly, the applicant submits that *Boss* does not suggest or describe setting a real time clock on the management device to GMT, “wherein the management device is implemented in hardware communicatively connected to a server computer,” as recited by claim 1.

The management device as claimed is an independent hardware device that provides an interface for retrieving health data or other data regarding the operation of the associated server computer. The management device includes an internal real time clock used to maintain time for the device. The health data or other data regarding the operation of the associated server computer is retrieved by a remote computer from the management device. In contrast, *Boss* describes a UserMon server, but does not disclose a hardware device that is connected to the UserMon server and that includes a real time clock set to GMT. Similarly, because *Boss* does not disclose a hardware implemented management device connected to the UserMon server, *Boss* cannot disclose “receiving data associated with the server computer from the management device at the remote computer,” as recited by claim 1.

*Boss* also fails to describe or suggest “in response to determining that the received data includes time data, converting the time data from Greenwich Mean Time to a local time,” as recited by claim 1. As discussed above, the cited portions of *Boss* disclose a method of converting local time values to GMT at the client computer by using an offset calculated from the local time at the client computer and a GMT value provided by the UserMon server. The applicant submits that the conversion of local time to GMT time for recording events as disclosed in *Boss* is not equivalent to the conversion of GMT time to local time for display of the received data on the local computer, as recited in claim 1. In fact, the applicant submits that the cited portion of *Boss* teaches away from this recitation of claim 1. Because the client computers described by *Boss* track local time while the UserMon server utilizes GMT, there would never be a situation under the system described by *Boss* in which a client computer would convert time data received from the UserMon server from GMT to a local time. The client computers already operate in local time and subtracting the time difference between the received GMT to local in order to determine an offset for use in future conversions from local to GMT is not equivalent to converting GMT to local. To alter the operation of the *Boss* system to incorporate converting from GMT to local time at the client computers would not only be unnecessary, but it would impermissibly change the principle of operation of the client computers.

Finally, the applicant respectfully submits that the cited combination does not describe or suggest “replacing the time data in the received data with the converted local time,” as recited in claim 1. Again, the Office Action suggests that the use by the data-gathering client of the GMT value provided by the UserMon server to create the offset and convert from local to GMT is equivalent to this recitation. However, the applicant respectfully submits that *Boss* does not describe replacing the GMT received from the UserMon server at the client computer with any other time. Additionally, because *Boss* does not describe converting GMT to local time, *Boss* cannot disclose replacing any data with converted local time as recited by claim 1. Accordingly, for at least these reasons, the applicant submits that independent claim 1 is allowable over *Boss* and *Dawson* and respectfully requests that this rejection be withdrawn.

#### Dependent Claim 2

Claim 2 was rejected under 35 U.S.C. § 103(a) as being obvious over *Boss* in view of *Dawson*. The applicant respectfully submits that neither *Boss* nor *Dawson*, either separately or in combination, teaches, describes, or suggests every element of claim 2. Specifically, *Boss* does not describe or suggest “issuing a command to the management device to set the real time clock to Greenwich Mean Time,” as recited in dependent claim 2. While the “log request” message sent by the data-gathering client computer to the UserMon server includes a request command and a GMT value, *Boss* does not disclose that the command values for the request command includes an instruction or command to the UserMon server to set its real time clock to the GMT value. Rather, the request command is requesting that the UserMon server log the data along with the GMT value. Logging time data is not equivalent to setting a clock.

Moreover, as discussed above with respect to independent claim 1, the cited art fails to disclose a hardware implemented management device having a real time clock and connected to the server computer. Therefore, the art fails to disclose issuing a command to such a management device to set its clock to GMT. Accordingly, for at least these reasons, and because claim 2 depends from allowable independent claim 1 and incorporates all the recitations therein, the applicant submits that claim 2 is allowable over *Boss* and *Dawson* and respectfully requests that this rejection be withdrawn.

Independent Claim 7

Claim 7 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Boss*. The applicant respectfully submits that *Boss* does not teach, describe, or suggest all the recitations of independent claim 7. In particular, *Boss* does not describe or suggest “a computer management device [associated with a server computer] having a real time clock,” as recited in claim 7. As discussed above with regards to independent claim 1, the computer management device is an independent hardware device that provides an interface for retrieving health data or other data regarding the operation of the associated server computer. Claim 7 specifically recites a server computer and a computer management device that includes a real time clock and is used to generate health information regarding the server computer. The applicant submits that the UserMon server with an internal clock described by *Boss* is not equivalent to the computer management device with a real time clock maintained independently from the associated server computer, as recited in independent claim 7.

Additionally, *Boss* does not describe or suggest “the computer management device . . . operative to generate health information regarding the operation of the server computer” as further recited in claim 7. The Office Action cites the performance parameter values described by *Boss* and the “StatusCode” field returned by the UserMon server in response to the forwarding of the performance parameter values as equivalent to the generation of health information regarding the operation of a server as recited in claim 7. The performance parameter values collected by the data-gathering client computers in *Boss* are indicative of what a user’s experience would be in accessing the target website, e.g. the time required to download the web page from the site. These parameter values associated with the timing of a page download do not have any information as to the health of the UserMon server, as the Office Action has cited the UserMon server as being equivalent to the computer management device. Further, the status code referred to by the Office Action is a “true” or “false” value corresponding to whether data from the client computer was lost or not. This code does not contain information relating to the health of the UserMon server e.g. temperatures, fan-speeds, hardware parameters, and other operational characteristics, of an associated server.

*Boss* also does not describe or suggest “a plug-in module . . . operative to receive a request to set the real time clock of the computer management device” as recited in claim 7. The

Office Action suggests that “the data-gathering client [reading] an internal timer using the ‘WIN32’ application-programming interface” from column 7, lines 8-14, of *Boss* is equivalent to this element. The disclosure of *Boss* uses the timer readings to determine the duration of time in milliseconds or microseconds required for the full download of a web page from the target site. *Id.* at Col. 7, Lines 8-30. The applicant respectfully submits that the retrieval of two timer readings in milliseconds or microseconds in order to calculate a duration is not equivalent to a request to set the real time clock of a computer management device, as recited in claim 7. As described above with respect to claims 1 and 2, nothing in *Boss* describes or suggests a plug-in module or module of any type operative to receive a request to set the real time clock of a computer management device, the UserMon server, or any other local or remote computer or device.

Similarly, *Boss* does not describe or suggest “issue a command to the computer management device to set the real time clock to the converted Greenwich Mean Time,” as recited in claim 7. As discussed above in regards to dependent claim 2, while the “log request” message sent by the data-gathering client computer to the UserMon server includes a request command and a GMT value, *Boss* does not disclose that the command values for the request command includes an instruction or command to the UserMon server to set its real time clock to the GMT time value. Accordingly, for at least these reasons, the applicant submits that independent claim 7 is allowable over *Boss* and respectfully requests that this rejection be withdrawn.

#### Dependent Claim 8

Claim 8 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Boss*. The applicant respectfully submits that *Boss* does not teach, describe, or suggest all the recitations of dependent claim 8. In particular, for at least the reasons discussed above with respect to independent claim 1, *Boss* does not describe or suggest “determine whether time data is contained [in the received health information],” “convert the time data from Greenwich Mean Time to a local time of the remote computer,” and “replace the time data with the converted local time,” as recited in claim 8. Accordingly, for at least these reasons, and because claim 8 depends from allowable independent claim 7 and incorporates all the recitations therein, the applicant

submits that claim 8 is allowable over *Boss* and respectfully requests that this rejection be withdrawn.

Independent Claim 12

Claim 12 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Boss*. For at least the same reasons discussed above with respect to independent claim 7, the applicant respectfully submits that *Boss* does not teach, describe, or suggest “[a] plug-in module operative to receive a request to set the real time clock” or “issue a command to the computer management device to set the real time clock to Greenwich Mean Time,” as recited in independent claim 12. Accordingly, for at least these reasons, the applicant submits that independent claim 12 is allowable over *Boss* and respectfully requests that this rejection be withdrawn.

Dependent Claim 13

Claim 13 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Boss*. For at least the same reasons discussed above with respect to dependent claim 8, the applicant respectfully submits that *Boss* does not teach, describe, or suggest “[a] plug-in module . . . operative to analyze the health information to determine whether time data is contained therein” or “replace the time data with the converted local time,” as recited in dependent claim 13. Accordingly, for at least these reasons, and because claim 13 depends from allowable independent claim 12 and incorporates all the recitations therein, the applicant submits that claim 13 is allowable over *Boss* and respectfully requests that this rejection be withdrawn.

Dependent Claims 3-6, 9-11, and 14

Because the prior art of record fails to teach, suggest, or describe the recitations of claims 3-6 and because claims 3-6 depend from allowable independent base claim 1 and incorporate all the recitations therein, dependent claims 3-6 are allowable over the cited art. Similarly, because neither *Boss* nor *Dawson* teaches, describes, or suggests the recitations of claims 9-11 and because claims 9-11 depend from allowable independent base claim 7 and incorporate all the recitations therein, dependent claims 9-11 are allowable over the cited art. Further, because the prior art of record fails to teach, suggest, or describe the recitations of claim 14 and because

claim 14 depends from allowable independent base claim 12 and incorporates all the recitations therein, dependent claim 14 is allowable over the cited art. Accordingly, the applicant respectfully requests that the rejections of dependent claims 3-6, 9-11, and 14 be withdrawn.

### **Conclusion**

In view of the foregoing amendment and remarks, the applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

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/Michael J. Baldauff, Jr./

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